

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WRIGHT, et al.,

Plaintiffs,

v.

ORDER
11-CV-140S

SZCZUR, et al.,

Defendants.

1. *Pro se* Plaintiffs, Paul and Theresa Wright, on behalf of themselves and their minor children, bring this action against 59 defendants alleging various constitutional violations. Many of the defendants have moved for dismissal. Plaintiffs, however, have repeatedly failed to respond to those motions pursuant to scheduling orders issued by this Court. See Local Rules of Civil Procedure 5.2(h) and 7(b).

2. This failure constitutes a violation of Local Rule of Civil Procedure 7(a)(2)(A). However, cognizant of the distinct disadvantage that *pro se* litigants face, and considering that Plaintiffs, through their motion, have expressed their intention to respond within the time frame set by this Court, Plaintiffs' motion for an extension of time to respond (Docket No. 85) is granted. Plaintiffs have sixty days from this decision to respond to Defendants' motions. Failure to respond within this time may result in the motions being resolved against Plaintiffs.

3. Further, in the interest of allowing Plaintiffs to fully and precisely express their claims, and in consideration of their *pro se* status, this Court grants Plaintiffs' motion for

leave to amend their complaint.¹ (Docket No. 71.) See Foman v. Davis, 371 U.S. 178, 182, 83 S. Ct. 227, 230, 9 L. Ed.2d 222 (1962) (leave to amend is freely granted); Ellis v. Chao, 336 F.3d 114, 127 (2d Cir. 2003) (same). Further, Defendants have addressed Plaintiffs' proposed amended complaint and conclude that it does not change their position; they are therefore not prejudiced by this Court considering the amended pleading.

IT HEREBY IS ORDERED, Plaintiffs' Motion for Leave to Amend their Complaint (Docket No. 71) is GRANTED.

FURTHER, that Plaintiffs' Motion for an Extension (Docket No. 85) is GRANTED.

FURTHER, that the Clerk of the Court is directed to amend Docket No. 71 to reflect "Amended Complaint."

SO ORDERED.

Dated: October 31, 2011
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court

¹Although Plaintiffs' motion does not comport with the requirements of Local Rule 7, it is clear that Plaintiff intends to move for leave to file an amended complaint.